G. R. S. App. F. IX-4]

1941 -2

W File No. 93 - 41

Serial Nos. 1 to 5

Previous References.
Legis. 21-40-12
" 21-40-13 to 18
" 21-40-19, 20, 23 to 25.
" 21-40-22.
Later References.
W. 259-42-1.
Def. No. W 21/43-44
W 20-44-3.

(War)

(50)

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Five only.

Part B for February - 1943.

SUBJECT.

Amendments to the National Service (Technical Personnel) Rules, 1940.

D.P. Krishnan
27.2.43.

2025/W.

Serial No.

1 From Secy to Govt of India
No 261-40(2)/W dt 15-5-42
Invites attention to the Govt of India notification dt 29-4-42 publishing amendments to the Naval Civil Service (Technical Personnel) Rules, 1940.
The Legi Section for kindly putting up the previous papers on the subject.

15/5

Flag (K)

The previous reference from the Ritchie, dated No F 61-40(2)/W. dated the 7th April 1942, is put up herewith

W. 16-5-42 BDM 16/5 — War Section)
As the papers concerned with this are very kindly be sent
SG. R & T C)
16/5

NOTE—Confn. Sheet.

WD 04155—GPB—55,000—23-10-41

2128/W.

The National Service Technical Personnel Ordinance.

File No. of 194 .

General and Revenue Secretariat.

Serial No. MAY 18 1942 No. 1900.

Notice of Ordinance and the Rules thereunder are in force in Mysore. Their copy is enclosed to the Dewan's memo dt 25th Feb. 42 in the matter. Submitted for perusal.

16/5

No action seems called for as the ordinance is not in force & as it was considered that the new law may amend for the scheme yet

16/5

Submitted

A copy may be sent to the Secretary, stating that the copy of the ordinance & rules thereunder are being issued when forms ready

18/5

Law Secretary

19/5

The files are not complete. Please put up the Resident letters on this subject received after 15/10/41 and up to F 61-40(2) W dt 28-3-42 & also extracts of all the notifications referred to from time to time.

19/5

For kind completion

19/5

Secretary (Home)

G. R. S. III—3]
R. A. & L. C.

1200 Rl

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Subd.

All the available previous references re the National Service (Technical personnel) Ordinance, 1940 are put up herewith.

The file may be sent to the War Section to take further action as per the minutes of the Law Minister

JV
22-5-42 BVR
22/5/42

BVR
22-5-42

Asst Secy War Section W.C.) by W

Send with enclosures of papers referred to by the Reg.

SG.
22/6.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

929/W

General and Revenue Secretariat

The National Service (Technical Personnel) Ordinance 1940.

File No. of 194 . [App. F. III—2.

Serial No. 3.

A

From The Acting Hon'ble the Resident F. 61-40/42-12th Sept. 42 with enclosures in Lahore Dcft Notification dt 21st Aug 42.

Subd for perusal.

(RS 25/9 SK)

The Notifications which I received by the last mail have not been sent me. Please look into the Gazettes concerned & find them out early. 26/9/42

Subd with the Gazettes concerned & Dy Secy to send any amendment to the Ordinances. Do not see any amendments to the Rules. SK 26/9.

Please ask them to send (2 copies) of the Gazettes & the Notifications

28/9

The letter received from the Residency with reference to the following Notifications of the Govt of India. They fall in 3 groups — one, (1) amendment of the Ordinance (2) the Amendment ordinance & (3) (These amendments have been incorporated in the

FLW.

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—23-10-41

929/W

File No. ..

National Service (Technical Personnel) Rules of Duties of Public of 194 .

General and Revenue Secretariat

Serial No. 76R.

Draft Rules proposed for consideration
(ii) amendments to the Rules viz.
made
(a) Not. No. T.R.C. 2 dt. 18.3.42 — HK.
(b) .. T.R.C. 2 dt. 28.8.41 & — HQ
(c) .. T.R.C. 2 dt. 29.4.42 — 76Q.

(iii) Notifications notifying certain employments etc for purposes of the Act as technical personnel.
(1) Not. dt. 9.12.41 & 26.12.41
(2) .. 16.3.42
(3) .. 18.3.42
(4) 26.3.42
(5) .. 29.4.42
(6) .. 13.5.42
(7) .. 21.8.42

Vide Enclosed 76J.

OCT 11 1942 No. 3116.

CHIEF S 5. GOVT. O

In
file

Minister's

For perusal

Law Min. (Shri H.C. Sen)

FINANCIAL SECR. U.O.No. FI. 1550 7/10

8.10.42

Reference is invited to the rules in Legis. 21-40-8124 (amended collection) 9/1.

Serial No.

3116

Dr
11. OCT. 1942
2993

OFFICE OF THE MINISTER FOR LAW
OCT 13 1942
No 3853

AZ

and the Secretariat minute of 25-2-42 on it

No reply is due from the Resident.
No advantage is gained by an abrupt close
Dewan) Secy

11-10-42

Secy
13/10/42

Secy
13/10/42

4. From The Secy to the Hon'ble the Resident.
F. 61(2)-Poll W of 3rd Nov. 42
inviting attention to the Draft rules
Notification & 14th Oct. 42 re: the NS
(Technical Personnel) Ordinance.

It has been decided that it is
unnecessary to adopt the Ordinance here.
Submitted for perusal

(RS 3/11)

Secy (FD) 3/11

Secy
3/11

Secy 3/11

Secy
6/11

9. NOV 42

B2

NOTE—Contn. Sheet.

1709/42 National Service (Technical Personnel) Ordinance 1940.

W File No. 93 of 1941-2.

General and Revenue Secretariat.

Serial No. 5

From The Asst to the Hon'ble the Resident. F. 61/40 (2)/W 2 2nd Dec. 42 inviting reference to Labour Dept Notification dated 14th Nov. 42.

Asked for perusal. The Ordinance has not been supplied here.

RS 3/12 5/12

3/12

897

4/12

B

W 93-40-1

2028/W

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. F.61-40(2)/W.

FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Dated Bangalore, the 15th May *1942.*

The National Service (Technical Personnel) Rules, 1940 - amendments.

- - -

SIR,

I am directed to refer to my letter No.F.61-40(2)/W, dated the 15th April 1942, and to invite attention to the notification by the Government of India, Department of Labour, No.TRC-2, dated the 29th April 1942 published in the Gazette of India, Part I, dated the 2nd May 1942.

I have the honour to be,
Sir,
Your most obedient servant,

for ~~SECRETARY TO THE RESIDENT~~.

W 93-41-2.

No. F.61-40(2)/W. 2161/W

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary
to the Government of His Highness
the Maharaja of Mysore, BANGALORE.

CHIEF SECRETARY * 28. MAY 1942 * GOVT. OF MYSORE.

Dated Bangalore, the 28 May *1942.*

The National Service (Technical Personnel) Ordinance, 1940.

- - - - -

SIR,

I am directed to refer to my letter No.F.61-40 (2)/W, dated the 15th April 1942, and to invite attention to the notification by the Government of India, Department of Labour, No. TRC.1 dated the 13th May 1942, published in the Gazette of India, Part I, dated the 16th May 1942.

I have the honour to be,
Sir,
Your most obedient servant,

for SECRETARY TO THE RESIDENT.

ksv.

W 93-41-3.

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. F.61-40(2)/W.

929/42

FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Dated Bangalore, the 12th Septr. *1942.*

The National Service (Technical Personnel) Ordinance, 1940.

SIR,

I am directed to refer to my letter No.F.61-40(2)/W, dated the 28th May 1942, and to invite attention to the notification by the Government of India, Department of Labour, No.TRC.1, dated the 21st August 1942, published in the Gazette of India, Part I, dated the 29th August 1942.

714

I have the honour to be,
Sir,
Your most obedient servant,

for SECRETARY TO THE RESIDENT.

W93-41-4. 1375 W

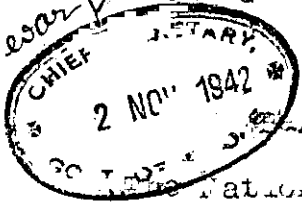
No.F.61(2)-40/M.

From

The Secretary to the Resident in Mysore.

To

The Chief Secretary to the Government of Mysore, Bangalore.



Bangalore, 3rd ~~October~~ November '42

Sir,

I am directed to refer to my letter No.F.61-40(2)/M, dated the 15th September 1942, and to invite attention to the modification by the Government of India, Department of Labour, No. Tec-1, dated the 14th October 1942, published in Part I of the Gazette of India dated the 17th October 1942.

I have the honour to be,
Sir,
Your most obedient servant,

for Secretary to the Resident in Mysore.

W93-41-5.

No.F.61-4(-)/-. 1709 W

From

The Secretary to the Hon'ble the Resident in Mysore.

To

The Chief Secretary to the Government of Mysore, Bangalore.

Memorandum.

Dated Bangalore, the 2nd Dec. 1942.

The National Service (Technical Personnel) Ordinance, 1940 - Authorisation of the National Service Labour Tribunals.

Attention is invited to the Government of India, Labour Department Notification No.TRC1, dated the 14th November 1942, published at page 1743 of Part I, Section I, of the Gazette of India dated the 21st November 1942.

SECRETARY. 2. DEC.

for SECRETARY TO THE RESIDENT

VN

GOVERNMENT OF INDIA.

Department of Labour.

NOTIFICATIONS.

New Delhi the 11th March 1942.

No.TRC.1.- In exercise of the powers conferred by clause (a) of Sec.2 of of the National Service (Technical Personnel) Ordinance, 1940 (Ordinance No.II of 1940), the Central Govt. is pleased to declare the following classes of persons undergoing training in any of the capacities specified in the Schedule to the said Ordinance to be technical personnel for the purposes of the said Ordinance, namely:-

Paid Apprentices and Learners, not being persons undergoing training under the Technical Training Scheme inaugurated by the Central Govt., in-

(i) Railway Workshops, and
(ii) Ordnance Factories.

New Delhi, the 18th March 1942.

No.TR(C)1.- In exercise of the powers conferred by section 18 of the National Service (Technical Personnel) Ordinance, 1940 (Ordinance No.II of 1940), the Central Govt. is pleased to direct that the persons normally employed in the capacities specified below shall be deemed to be technical personnel for the purposes of the said Ordinance, namely:-

Skilled and Semi-skilled Trades and Occupations.

(1) Draughtsmen (litho, stone and zinc).
(2) Litho Machine Feeders (layers on).
(3) Negative Retouchers (photo writers).
(4) Photographers (wet and dry)
(5) Helio and Vandyke printers.

New Delhi, the 26th March 1942.

No.TR(C)/1.- In exercise of the powers conferred by section 18 of the National Service (Technical Personnel) Ordinance, 1940 (Ordinance No.II of 1940), the Central Government is pleased to direct that persons normally employed in the capacities specified below shall be deemed to be technical personnel for the purposes of the said Ordinance, namely:-

Skilled and semi-skilled Trades and Occupations.

(1) Chambermen.	employed on oil fields and at oil refineries
(2) Coolermen.	
(3) Driller's and Driller's Helpers.	
(4) Gaugers.	
(5) Pump-house Attendants.	
(6) Stovemen.	
(7) Tank Dippers.	
(8) Water pump Attendants.	
(9) Well Pullers.	
(10) Well Scrapers.	

New Delhi the 29th April 1942.

No.TRC-2.- In exercise of the powers conferred by section 19 of the National Service (Technical Personnel) Ordinance, 1940 (Ordinance No.II of 1940), the Central Govt. is pleased to direct that the following further amendment shall be made in the National Service (Technical Personnel) Rules, 1940, namely:-

In sub-rule (3) of rule 4 of the said Rules, for the words "that personnel is then engaged is not essential to the efficient prosecution of the War", the words "the personnel is to be engaged is more essential to the efficient prosecution of the War than that on which it is at present employed" shall be substituted.

New Delhi, the 13th May 1942.

No.TRC-1.- In exercise of the powers conferred by section 18 of the National Service (Technical Personnel) Ordinance, 1940 (Ordinance No.II of 1940), the Central Govt. is pleased to direct that persons normally employed in the capacities specified below shall be deemed to be technical personnel for the purposes of the said Ordinance, namely:-

Skilled and Semi-skilled Trades and Occupations:

(1) Coggers.
(2) Control Operators.
(3) Forkmen.
(4) Gas Producers Men.
(5) Guide Setters.
(6) Heaters.
(7) Landlemen.
(8) Melters.
(9) Manipulators and other Machine Drivers.
(10) Pitmen.
(11) Punchers and other Machine Operators.
(12) Rammers.
(13) Rollers.
(14) Roughers.
(15) Sheet Mill Operatives, such as, Catchers, Doublers, Finishers, Openers, Operators, Screwmen and Shearmen.
(16) Straighteners.
(17) Teemers.
(18) Tongsmen (Vide Not. NTRC, 03.21.8.44)

THE NATIONAL SERVICE TECHNICAL PERSONNEL EMERGENCY ACT, 1942.

WHEREAS the Government of His Highness the Maharaja is satisfied that circumstances exist which render it necessary to take power to require industrial undertakings to release technical personnel for employment in factories under the Government or declared to be engaged on work of national importance and to require technical personnel to undertake employment in any such factory;

NOW THEREFORE in exercise of the powers conferred by sub section (1) of section 31 of the Government of Mysore Act 1940 (XVIII of 1940);

It is hereby enacted as follows:-

1. (1) This Act may be called the National Service Technical Personnel Emergency Act, 1942.

(2) It ~~exists~~ extends to the whole of Mysore and applies also to subjects of His Highness the Maharaja in any part of India.

(3) It shall come into force at once.

2. In this Act unless there is anything repugnant in the subject or context

(a) "technical personnel" includes all persons normally employed, or declared by a Tribunal to be normally employed, in any of the capacities specified in the Schedule, and any such persons, or class of persons undergoing training in any such capacity, as may be declared by the Government by Notification in the official Gazette to be technical personnel for the purposes of this Act; but does not include any person who is not liable under section 3 to undertake employment in the national service;

(b) "factory"means a factory as defined in clause (j) of section 2 of the factories Act, 1936, and includes any place deemed to be a factory in pursuance of a declaration made under sub-section (1) of section 5 of that Act.

(c) "industrial undertaking" means--

(i) any concern engaged in--

(a) the manufacture or production of any article or commodity,

(b) the supply or distribution of light, power or water,

(c) the supply or maintenance of any form of mechanised transport;

(ii) any concern engaged in installing equipment or erecting premises for the purposes of or preparing and producing designs for or testing the products of any ~~xxx~~ concern of the nature specified in sub-clause (i);

(iii) any training establishment;

(iv) any other undertaking which the Government may, by general or special declaration notified in the official Gazette, declare to be an industrial undertaking

(d) "employment"in the national service" means employment undertaking in pursuance of an order passed under clause (b) of clause (c) of sub section (1) of section 7 or under clause (b) of sub section (1) or sub section (2) of section 10;

(e) "notified factory" includes any factory under the Government and any factory declared by notification or order in writing under section 4 to be engaged on work of national importance.

(f) "Prescribed" means prescribed by rules made under this Act.

(g) "Special Tribunal" means a Special Tribunal constituted by the Government under section 12.

(h) "Technical post under the Government" means any post under the Government the holder of which is required to possess a knowledge of one or more of the trades or occupations specified in the schedule.

(i) "Training Establishment" means any Technical Institution or Training Centre established, selected or approved by the Government for the training by technical personnel.

(j) "Tribunal" means a National Service Labour Tribunal constituted under section 5.

3. All technical personnel over the age of eighteen and under the age of 50 years being subjects of His Highness the Maharaja and not being members of His Majesty's the King Emperor's regular naval, military or airforce or members of any reserve of any such force or

the members of His Highness the Maharaja's Military Forces who are liable under their terms of service in such reserve to be called up for service at any time and not only on partial or general mobilisation, shall be liable under this Act to under-take employment in the national service;

Provided that no person in the service of the Government of India or the Government ~~xxxxxxxxx~~ shall be so liable except with the written consent of the Government under which he is serving.

4.(1) The Government may by notification in the official Gazette or by order in writing declare any factc which is engaged in the protection of munitions or ~~xxxxx~~ other war supplies or any work which in the opinion of the Government is likely to assist the efficient prosecution of the war to be a factory engaged on work of national importance and thereupon such factory shall be a notified factory.

(2) Every notified factory training establishment or department under the Government shall be eligibl to apply in the prescribed form to a Tribunal or to the Government for technical personnel and having so applied shall take into its employment such technical personnel within such period and on such terms and conditions as the Tribuanl or the Government as the case may be may direct.

(3) The Government may as a condition of declaring continuing to recognise any factory as a notified ctory by general or special order require that the ctory shall make such provision as may be specified the order in regard to the terms of service and conitions of work of its employees or for affording echnical instruction and training.

5.(1) The Government shall constitute for such areas and in such places as it thinks fit national service Labour Tribunals (in this Act referred to as Tribunals) to exercise the functions assigned to such Tribunals by this Act.

(2) A Tribunal shall consist of such members and all of such a status as may be prescribed.

(3) A Tribunal shall have power to associate with itself in its deliberations such other persons as it thinks fit under such conditions as may be prescribed.

(4) A Tribunal may meet at such times and places as it thinks fit and shall meet when required to do so by the Government.

(5) A Tribunal shall have the powers of a Civil Court for the purpose of regarding evidence, administerin oaths, enforcing the attendance of witnesses and compelli the discovery and production of documents and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1904, and a Court for the purpose of clause (a a) of the Proviso (2) of section 200 of that Code.

(6) A Tribunal may authorise any person included within the definition of technical personnel to subject himself to be examined by such medical authority as may be prescribed.

(7) A Tribunal may subject to the prescribed .ons and limitations delegate to its Chairman any functions.

.(1) A Tribunal may, subject to any rules made .s behalf under section 19, take steps to ascertain ɔulars of the technical personnel employed in any trial undertaking (including a notified factory).

the suitability of such personnel for employment in the national service, and the capacity of the undertaking to release such personnel or any part thereof for such employment, having regard to the nature of the work in which such personnel or part is engaged.

(2) For the purposes of sub-section (1), the Tribunal may--

(a) summon the owner or manager of any industrial undertaking or any employee of such undertaking to appear before it and furnish such information as it may require,

(b) authorise one of its members or an Institution appointed by it to enter upon and inspect any premises occupied by such undertaking and call for any information whether documentary or otherwise which appears to it to be necessary,

(c) authorise an Institution appointed by it or any person who belongs to the managerial or supervising class of technical personnel to enter upon any premises occupied by such undertaking or test the technical skill of such persons as the Tribunal may in writing direct, and

(d) require any individual undertaking to afford such facilities as the Tribunal may specify for testing the skill of any technical personnel whether such personnel is employed by such undertaking or not,

and the owner or manager of the industrial undertaking and any employee of such undertaking shall comply with any requisition made in this behalf or under authorisation from the Tribunal.

7.(1) Subject to any rules made in this behalf under section 19, a Tribunal may, by order in the prescribed form,--

(a) require the owner or manager of any industrial undertaking other than a notified factory or a training establishment to release such technical personnel as it may specify for employment in the national service,

(b) direct technical personnel, who are either unemployed or are not already employed in a notified factory, training establishment or technical post under the Government take employment in the national service in any notified factory or training establishment within the limits of its jurisdiction, or in any factory or technical post under

the Government in any part of Mysore.

(c) transfer technical personnel in respect of whom an order has been passed under clause (b) from one form or place of employment in the national service to another,

(d) direct technical personnel, whether employed or unemployed, to present themselves at such place and time as may be specified in the order for interview or inquiry and, if so required, for submission to a test of their technical skill,

(e) require the owner or manager of any industrial undertaking (other than an undertaking under the Government) to provide training for such numbers of persons as technical personnel on such terms and conditions as may be specified in the order,

and such order shall be complied with within such period or on such date as may be specified in the order.

(3) No person included in the definition of technical personnel, who has been directed under sub-section (1) to undertake employment in the national service, shall be discharged from or leave his employment in such service unless the employer or the person concerned as the case may be, has previously obtained the permission in writing of the Tribunal.

8. The terms of service of technical personnel taken into employment in the national service in a notified factory, training establishment or technical post under the Government in pursuance of any order passed under clause (b) or clause (c) of sub section (1) of section 7 shall be laid down by the Tribunal in each case subject to such conditions as may be prescribed, and such conditions may provide for the preservation of any rights which such technical personnel may have under any provident or superannuation fund or other scheme for the benefit of employees maintained by the undertakings from which they are released.

9. An appeal shall lie to the Government against an

an order passed by Tribunal under clause (b),clause (c) or clause (e) of sub section (1) of section 7 or section 8 and the decisions of the Government shall be final.

10.(1) The Government may require a Tribunal to report what technical personnel whether employed in industrial undertakings or otherwise is available within its jurisdiction for employment in the national service and may whether or not a Tribunal has been so required to report by order in ~~xix~~ writing --

(a) require any industrial undertaking by which technical personnel is employed to release such personnel as may be specified in the order for employment in the National Service,

(b) direct any technical personnel to undertake such employment in the national service which may be specified in the order.

(c) direct that any technical personnel engaged in an industrial undertaking under conditions not amounting to employment in the national service shall for the purposes of sub-section (3) be deemed to have been taken into employment in the national service, and

(d) require any notified factory notwithstanding that it has not made any application under sub-section (2) of section 4 to take into its employment such technical personnel within such period as may be specified in the order.

(2) The Government may by order in writing transfer technical personnel from one form or place of employment in the national service to another and the employer and the personnel concerned shall ~~xxxxx~~ comply with such order.

(3) The terms of service of technical personnel taken into employment in the national service in pursuance of an order made under sub section (1) ~~xx~~ or transferred under sub section (2) shall, subject to the conditions prescribed for the purposes of section 8 be laid down by the Government.

(4) The Government may order in person who is required under sub section (1) to undertake employment in the national service or who is transferred under sub

section (2) from one form or place of employment to another to submit himself to be examined by such medical authority as may be prescribed.

(5) No person included in the definition of technical personnel who has been directed under sub section (1) or sub section (2) to undertake employment in the national service shall be discharged from or leave his employment unless his employer or the person concerned as the case may be as previously obtained the permission in writing by the Government.

11. (1) It shall be the duty of any employer, by whom a person, who has been released for employment in the national service on the requirement of a Tribunal or the Government, was employed to reinstate him in his former employment on the termination of that service in an occupation and under conditions not less favourable to him than those which would have been applicable to him had he not been so released for employment in the national service;

Provided that, if for any reason the reinstatement of such person is represented by the employer to be impracticable, either party may refer the matter to a Special Tribunal and the Special Tribunal shall after due consideration pass an order either exempting the employer from the provisions of this sub-section or requring him to re-employ such person on such terms as it thinks suitable or to pay to such person a sum in compensation for failure to re-employ him not exceeding an amount equal to six months' remuneration at the rate at which his last remuneration was payable to him by the employer.

(2) If any employer fails to obey an order passed by a Special Tribunal under the proviso to sub section (1), he shall be punishable with fine which may extend to

one thousand rupees, and the Court by which he is convicted may, in addition to any other penalty, order him (if he is not already so required by the Special Tribunal) to pay the person whom he has failed to re-employ a sum not exceeding an amount equal to six months' remuneration at the rate at which his last remuneration was payable to him by the employer; and any amount so required by the Special Tribunal to be paid, or so ordered by the Court to be paid, shall be recoverable as if it were a fine imposed by such Court;

Provided that in any proceedings under this sub-section it shall be a defence for an employer to prove that the person formerly employed by him did not apply to him for reinstatement within a period of two months from the termination of the employment in the national service for which such person was released.

12. (1) The Government may constitute in such areas and in such places as it thinks fit Special Tribunals to hear and decide any matters referred to it under the Proviso to sub-section (1) of section 11.

(2) A Special Tribunal shall consist of such number of members and of such a status as may be prescribed.

(3) No person serving as a member of a Tribunal shall while so serving be a member of a Special Tribunal.

(4) A Special Tribunal may meet at such times and places as it thinks fit and shall meet when required to do so by the Government.

(5) A Special Tribunal shall have the powers of a Civil Court for the purposes of receiving evidence

for administering oaths, enforcing and compelling the discovery and production of documents and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1904.

13.(1) Subject to any rules made in this behalf under section 19, a Tribunal may require any industrial undertaking (including a notified factory) to post before a specified date and to keep posted on its premises notices making known the provisions of sub sections (1), (2) and (3), of this section and intimate also the place to which the applications to the Tribunal may be addressed.

(2) After any such notice has been posted no person included ~~in~~ within the definition of technical personnel who is either employed in or is undergoing training in that undertaking shall leave his employment or training unless he has previously obtained the permission in writing of the Tribunal and after any person leaves his employment or training without such permission he may without prejudice to his liability under section 14 be ordered by the Tribunal to return to his employment or training.

(3) Where a Tribunal refuses permission to leave employment, the Tribunal may of its own motion or on an application by the person revises permission laid down subject to the prescribed conditions the terms of service on which the employer shall continue to retain him in employment and the employer shall not thereafter, notwithstanding anything contained in sub section (4) discharge, dismiss, suspend or release such person without the previous permission of the Tribunal.

(4) No owner or manager of an industrial undertaking (including a notified factory) situated within an area in respect of which a Tribunal has been constituted shall, save as may be otherwise prescribed discharge,

dismiss, suspend, release or remove from one factory to another any person included in the definition of technical personnel unless he has given 15 days previous notice in writing of the contemplated discharge, dismissal, suspension release or removal to the Tribunal.

(5) Subject to any rules made in this behalf under section 19, a Tribunal may control the engagement of technical personnel by industrial undertakings (including notified factories) in such manner as it thinks fit.

14.(1) Whoever contravenes any of the provisions of section 13, or wilfully fails to comply with any summons, requirement, direction or order of a Tribunal, a Special Tribunal or the Government under this Act, shall, save as provided in sub section (2) of section 11, be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) No Court inferior to that of a Magistrate of the first class shall try any offence punishable under this Act.

15. In any proceeding against an industrial undertaking for any offence punishable under this Act or the rules made thereunder the owner of the undertaking and his agent or manager, if any, shall be jointly and severally liable to any penalty incurred under this Act or the rules.

16. Any summons, notice, direction or order to be given to any person for the purposes of this Act may be served by being sent by post addressed to that person at his last known address.

17. No suit, prosecution or other legal proceeding shall be instituted in any Court in respect of anything in good faith done or intended to be done under this Act.

18. The Government may, by notification in the official Gazette, direct that persons normally employed in capacities other than those specified in the Schedule shall be deemed to be technical personnel for the purposes of this Act.

19. (1) The Government may, by notification in the official Gazette, make rules for carrying out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may prescribe--

(a) the conditions governing the appointment of the persons referred to in sub section (4) of section 5.

(b) the medical authorities referred to in sub section (7) of section 5 and sub section (4) of section 10.

(c) conditions under and the manner in which the tests mentioned in clause (c) of sub section 2 of section 6 and clause (d) of section 7 shall be carried out.

(d) the conditions and limitations governing the exercise of its functions by a Tribunal under sections 6, 7 and 8, sub section (2) of section 10 (a) and sub section (3) of section 13.

(e) the manner of preferring appeals under section 9 and of making references under the proviso to sub section (1) of section 11.

(f) The matters required to be prescribed for the purposes of sub sections, (1), (4) and (5) of section 13.

(g) the registers or other documents to be maintained or prepared by industrial undertakings (including notified factories) and by Tribunals, and the forms of application, notices and orders to be used for the purposes of this Act.

(3) Any rule made under this section may provide that a contravention of the rule shall be punishable with imrpisonemtn for any term not exceeding six months, or with fine not exceeding one thousand ruppes or with both.

20. The provisions of this Act and the rules made thereunder shall apply in relation to mines ~~and~~ as defined in clause.....of section.....of the Mysore Mines

Act .....as if all references throughout this Act and the Rules made thereunder to a Factory were references to such a Mine.

(Schedule annexed)

"THE SCHEDULE

(see section 2(a))

TECHNICAL PERSONNEL
Managerial or Operational Staff.

1. Aircraft Pilots
2. Assistant Works Managers
3. Chemists (industrial, matallurgical, analytical and technical research).
4. Civil Engineers
5. Electrical Engineers
6. Mechanical Engineers
7. Production Engineers
8. Works Managers

Supervisory Staff

1. Assistant Foreman
2. Chargehands
3. Chargemen
4. Chemical Process Foremen
5. Ground Engineers (Aircraft).
6. Inspectors (of all grades).
7. Inspectors of material
8. Leading Hands
9. Master Tailors and Master Cutters
10. Overseers
11. Storekeepers, Storeholders
12. Supervising Mistries
13. Supervisors
14. Viewers
15. Works Chemists
16. Workshop Foremen

Skilled and Semi-skilled Trades and Occupations.

1. Aircraft Mechanics
2. Armature Winders
3. Armourers
4. Beater Mistries (Paper Mill)
5. Boltmen

6. Blacksmiths, Angle Smiths, Spring Makers, Heavy Forge smiths, Drop Stampers.
7. Boiler Cleaners
8. Boiler Makers, Platers
9. Boot and Shoe Makers
10. Braziers
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14. Bronzers and Lacquerers.
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16. Caulkers
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18. Chemical Process Workers
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27. Cutlers
28. Die Sinkers
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32. Engine Drivers (Steam and Internal Combustion).
33. Engravers.
34. Erectors
35. Estimators
36. Examiners (Tool and Wood).
37. Filers, Vicemen.
38. Fillers (Brushware)
39. Fitters.

40. Furnacemen, Firemen, Stokers
41. Galvanizers
42. Gauge and Tool Fitters
43. Hammermen, Holders up, Strikers
44. Ingot Parters
45. Instrument Mechanics
46. Lead Burners
47. Lithographers
48. Lithoprinters
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50. Machinists, Drillers, Shapers, Millers, Planers, Polishers, Grinders.
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52. Masons
53. Millwrights
54. Motor Mechanics
55. Motormen
56. Moulders Moulders
57. Painters
58. Pattern Makers
59. Petrol Mechanics
60. Photo-Litho Operators
61. Process Photographers
62. Plumbers
63. Precision Grinders, Gauge and Tool Grinders
64. Press Workers
65. Progressmen, Routers or Chasers.
66. Rate Fixers
67. Riveters
68. Riggers and Slingers
69. Ropeworkers
70. Saddlers
71. Sawyers
72. Slotters
73. Storemen
74. Surveyors
75. Tanners

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77. Tool Hardeners
78. Tool Makers
79. Tracers, Ferro-printers
80. Trimmers.
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83. Upholsterers.
84. Vulcanists
85. Weighmen
86. Welders, acetylene and electric
87. Wheelers
88. Wireless Operators
89. Wiremen
90. Wood Machenists."

(1) 7.A. – B₂ dt. 28.8.41 (Received on 30.8.41)

(2) TRC-D 1 dt. 20.9.41 (22.9.41)

(3) TRC, dt. 9.12.41 (13.12.41) ✗

(4) TRC, dt 26.12.41 (3.1.42) ✓

(5) TRC, - 11.3.42 (on 3.4.42) ✓

(6) TRC, - 18.3.42 (21.3.42) ✗

(7) TRC - - 26.3.42 (28.3.42) ✓

(8) TRC dt 18.3.42 (21.3.42) ✓

(9) TRC dt 28.4.42 (2.5.42) ✓

(10) TRC 1 dt. 13.5.42 (16.5.42) ✓

(11) TRC, dt 21.8.42 (28.8.42)

(Details of Workers)

(1) 16 A. Form of Application under Sec 4(4).

(3) Notn/ dt 9.12.41 – Diversion Rate Pharmacy
(under 18B)

normally employed in the Industry
specified shall be deemed to be technical
Recruitment for the Industry will be from
Management staff. Supervisory staff
Skilled & Semi Skilled staff.

(4) 26.12.41 – Notification amendment.

(5) 11.3.42.

(6) 18.3.42.

Anordnung (1) 28.8.41
(2) 18.3.42

THE NATIONAL SERVICE TECHNICAL PERSONNEL EMERGENCY ACT 1942.

WHEREAS the Government of His Highness the Maharaja is satisfied that circumstances exist which render it necessary to take power to require industrial undertakings to release technical personnel for employment in factories under the Government or declared to be engaged on work of national importance and to require technical personnel to undertake employment in any such factory;

NOW THEREFORE in exercise of the powers conferred by sub section (1) of section 31 of the Government of Mysore Act 1940 (XVIII of 1940);

It is hereby enacted as follows:-

1. (1) This Act may be called the National Service Technical Personnel Emergency Act, 1942.

(2) It ~~exists~~ extends to the whole of Mysore and applies also to subjects of His Highness the Maharaja in any part of India.

(3) It shall come into force at once.

2. In this Act unless there is anything repugnant in the subject or context

(a) "technical personnel" includes all persons normally employed, or declared by a Tribunal to be normally employed, in any of the capacities specified in the Schedule, and any such persons, or class of persons undergoing training in any such capacity, as may be declared by the Government by Notification in the official Gazette to be technical personnel for the purposes of this Act; but does not include any person who is not liable under section 3 to undertake employment in the national service;

(b) "factory"means a factory as defined in clause (j) of section 2 of the factories Act, 1936, and includes any place deemed to be a factory in pursuance of a declaration made under sub-section (1) of section 5 of that Act.

(c) "industrial undertaking" means--

(i) any concern engaged in--

(a) the manufacture or production of any article or commodity,

(b) the supply or distribution of light, power or water,

(c) the supply or maintenance of any form of mechanised transport;

(ii) any concern engaged in installing equipment or erecting premises for the purposes of or preparing and producing designs for or testing the products of any ~~xxx~~ concern of the nature specified in sub-clause (i);

(iii) any training establishment;

(iv) any other undertaking which the Government may, by general or special declaration notified in the official Gazette, declare to be an industrial undertaking;

(d) "employment"in the national service" means employment undertaking in pursuance of an order passed under clause (b) of clause (c) of sub section (1) of section 7 or under clause (b) of sub section (1) or sub section (2) of section 10;

(e) "notified factory" includes any factory under the Government and any factory declared by notification or order in writing under section 4 to be engaged on work of national importance.

(f) "Prescribed" means prescribed by rules made/under this Act.

(g) "Special Tribunal" means a Special Tribunal constituted by the Government under section 12.

(h) "Technical post under the Government" means any post under the Government the holder of which is required to possess a knowledge of one or more of the trades or occupations specified in the schedule.

(i) "Training Establishment" means any Technical Institution or Training Centre established, selected or approved by the Government for the training by technical personnel.

(j) "Tribunal" means a National Service Labour Tribunal constituted under section $.

All technical personnel over the age of eighteen
ıder the age of 50 years being subjects of His
ess the Maharaja and not being members of His
ty's the King Emperor's regular naval, military or
›rce or members of any reserve of any such force or

the members of His Highness the Maharaja's Military Forces who are liable under their terms of service in such reserve to be called up for service at any time and not only on partial or general mobilisation, shall be liable under this Act to under-take employment in the national service;

Provided that no person in the service of the Government of India or the Government ~~xxxxxxxxxx~~ shall be so liable except with the written consent of the Government under which he is serving.

4.(1) The Government may by notification in the official Gazette or by order in writing declare any factc which is engaged in the protection of munitions or ~~xxxxx~~ other war supplies or any work which in the opinion of the Government is likely to assist the efficient prosecution of the war to be a factory engaged on work of national importance and thereupon such factory shall be a notified factory.

(2) Every notified factory training establishment or department under the Government shall be eligible to apply in the prescribed form to a Tribunal or to the Government for technical personnel and having so applied shall take into its employment such technical personnel within such period and on such terms and conditions as the Tribuanl or the Government as the case may be may direct.

(3) The Government may as a condition of declaring or continuing to recognise any factory as a notified factory by general or special order require that the factory shall make such provision as may be specified in the order in regard to the terms of service and conditions of work of its employees or for affording technical instruction and training.

5.(1) The Government shall constitute for such areas and in such places as it thinks fit national service Labour Tribunals (in this Act referred to as Tribunals) to exercise the functions assigned to such Tribunals by this Act.

(2) A Tribunal shall consist of such members and all of such a status as may be prescribed.

(3) A Tribunal shall have power to associate with itself in its deliberations such other persons as it thinks fit under such conditions as may be prescribed.

(4) A Tribunal may meet at such times and places as it thinks fit and shall meet when required to do so by the Government.

(5) A Tribunal shall have the powers of a Civil Court for the purpose of regarding evidence, administering oaths, enforcing the attendance of witnesses and compelling the discovery and production of documents and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1904, and a Court for the purpose of clause (a a) of the Proviso (2) of section 200 of that Code.

(6) A Tribunal may authorise any person included within the definition of technical personnel to subject himself to be examined by such medical authority as may be prescribed.

(7) A Tribunal may subject to the prescribed conditions and limitations delegate to its Chairman any of its functions.

6.(1) A Tribunal may, subject to any rules made in this behalf under section 19, take steps to ascertain particulars of the technical personnel employed in any industrial undertaking (including a notified factory),

the suitability of such personnel for employment in the national service, and the capacity of the undertaking to release such personnel or any part thereof for such employment, having regard to the nature of the work in which such personnel or part is engaged.

(2) For the purposes of sub-section (1), the Tribunal may--

(a) summon the owner or manager of any industrial undertaking or any employee of such undertaking to appear before it and furnish such information as it may require,

(b) authorise one of its members or an Institution appointed by it to enter upon and inspect any premises occupied by such undertaking and call for any information whether documentary or otherwise which appears to it to be necessary,

(c) authorise an Institution appointed by it or any person who belongs to the managerial or supervising class of technical personnel to enter upon any premises occupied by such undertaking or test the technical skill of such persons as the Tribunal may in writing direct, and

(d) require any individual undertaking to afford such facilities as the Tribunal may specify for testing the skill of any technical personnel whether such personnel is employed by such undertaking or not,

and the owner or manager of the industrial undertaking and any employee of such undertaking shall comply with any requisition made in this behalf or under authorisation from the Tribunal.

7.(1) Subject to any rules made in this behalf under section 19, a Tribunal may, by order in the prescribed form,--

(a) require the owner or manager of any industrial undertaking other than a notified factory or a training establishment to release such technical personnel as it may specify for employment in the national service,

(b) direct technical personnel, who are either unemployed or are not already employed in a notified factory, training establishment or technical post under the Government take employment in the national service in any notified factory or training establishment within the limits of its jurisdiction, or in any factory or technical post under

the Government in any part of Mysore.

(c) transfer technical personnel in respect of whom an order has been passed under clause (b) from one form or place of employment in the national service to another,

(d) direct technical personnel, whether employed or unemployed, to present themselves at such place and time as may be specified in the order for interview or inquiry and, if so required, for submission to a test of their technical skill,

(e) require the owner or manager of any industrial undertaking (other than an undertaking under the Government) to provide training for such numbers of persons as technical personnel on such terms and conditions as may be specifi-fied in the order,

and such order shall be complied with within such period or on such date as may be specified in the order.

(3) No person included in the definition of technical personnel, who has been directed under sub-section (1) to undertake employment in the national s service, shall be discharged from or leave his employ-ment in such service unless the employer or the person concerned as the case may be, has previously obtained the permission in writing of the Tribunal.

8. The terms of service of technical personnel taken into employment in the national service in a notified factory, training establishment or techni-cal post under the Government in pursuance of any order passed under clause (b) or clause (c) of sub section (1) of section 7 shall be laid down by the Tribunal in each case subject to such conditions as may be prescribed, and such conditions may provide for the preservation of any rights which such technical personnel may have under any provident or superannuation fund or other scheme for the benefit of employees maintained by the under-takings from which they are released.

9. An appeal shall lie to the Government against

an order passed by Tribunal under clause (b),clause (c) or clause (e) of sub section (1) of section 7 or section 8 and the decisions of the Government shall be final.

10.(1) The Government may require a Tribunal to report what technical personnel whether employed in industrial undertakings or otherwise is available within its jurisdiction for employment in the national service and may whether or not a Tribunal has been so required to report by order in ~~wix~~ writing --

(a) require any industrial undertaking by which technical personnel is employed to release such personnel as may be specified in the order for employment in the National Service,

(b) direct any technical personnel to undertake such employment in the national service which may be specified in the order.

(c) direct that any technical personnel engaged in an industrial undertaking under conditions not amounting to employment in the national service shall for the purposes of sub-section (3) be deemed to have been taken into employment in the national service, and

(d) require any notified factory notwithstanding that it has not made any application under sub-section (2) of section 4 to take into its employment such technical personnel within such period as may be specified in the order.

(2) The Government may by order in writing transfer technical personnel from one form or place of employment in the national service to another and the employer and the personnel concerned shall ~~apply~~ comply with such order.

(3) The terms of service of technical personnel taken into employment in the national service in pursuance of an order made under sub section (1) ~~of~~ or transferred under sub section (2) shall, subject to the conditions prescribed for the purposes of section 8 be laid down by the Government.

(4) The Government may order in person who is required under sub section (1) to undertake employment in the national service or who is transferred under sub

section (2) from one form or place of employment to another to submit himself to be examined by such medical authority as may be prescribed.

(5) No person included in the definition of technical personnel who has been directed under sub section (1) or sub section (2) to undertake employment in the national service shall be discharged from or leave his employment unless his employer or the person concerned as the case may be as previously obtained the permission in writing by the Government.

11.(1) It shall be the duty of any employer, by whom a person, who has been released for employment in the national service on the requirement of a Tribunal or the Government, was employed to reinstate him in his former employment on the termination of that service in an occupation and under conditions not less favourable to him than those which would have been applicable to him had he not been so released for employment in the national service;

Provided that, if for any reason the reinstatement of such person is represented by the employer to be impracticable, either party may refer the matter to a Special Tribuanl and the Special Tribunal shall after due consideration pass an order either exempting the employer from the provisions of this sub-section or requring him to re-employ such person on such terms as it thinks suitable or to pay to such person a sum in compensation for failure to re-employ him not exceeding an amount equal to six months' remuneration at the rate at which his last remuneration was payable to him by the employer.

(2) If any employer fails to obey an order passed by a Special Tribuanl under the proviso to sub section (1), he shall be punishable with fine which may extend to

one thousand rupees, and the Court by which he is convicted may, in addition to any other penalty, order him (if he is not already so required by the Special Tribunal) to pay the person whom he has failed to re-employ a sum not exceeding an amount equal to six months' remuneration at the rate at which his last remuneration was payable to him by the employer; and any amount so required by the Special Tribunal to be paid, or so ordered by the Court to be paid, shall be recoverable as if it were a fine imposed by such Court;

Provided that in any proceedings under this sub-section it shall be a defence for an employer to prove that the person formerly employed by him did not apply t him for reinstatement within a period of two months from the termination of the employment in the national service for which such person was released.

12. (1) The Government may constitute in such areas and in such places as it thinks fit Special Tribunals to hear and decide any matters referred to it under the Proviso to sub-section (1) of section 11.

(2) A Special Tribunal shall consist of such number of members and of such a status as may be prescribed.

(3) No person serving as a member of a Tribunal shall while so serving be a member of a Special Tribunal.

(4) A Special Tribunal may meet at such times and places as it thinks fit and shall meet when required to do so by the Government.

(5) A Special Tribunal shall have the powers of a Civil Court for the purposes of receiving evidence

for administering oaths, enforcing and compelling the discovery and production of documents and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1904.

13.(1) Subject to any rules made in this behalf under section 19, a Tribunal may require any industrial undertaking (including a notified factory) to post before a specified date and to keep posted on its premises notices making known the provisions of sub sections (1), (2) and (3), of this section and intimate also the place to which the applications to the Tribunal may be addressed.

(2) After any such notice has been posted no person included within the definition of technical personnel who is either employed in or is undergoing training in that undertaking shall leave his employment or training unless he has previously obtained the permission in writing of the Tribunal and after any person leaves his employment or training without such permission he may without prejudice to his liability under section 14 be ordered by the Tribunal to return to his employment or training.

(3) Where a Tribunal revises permission to leave employment, the Tribunal may of its own motion or on an application by the person revises permission laid down subject to the prescribed conditions the terms of service on which the employer shall continue to retain him in employment and the employer shall not thereafter, notwithstanding anything contained in sub section (4) discharge, dismiss, suspend or release such person without the previous permission of the Tribunal.

(4) No owner or manager of an industrial undertaking (including a notified factory) situated within an area in respect of which a Tribunal has been constituted shall, save as may be otherwise prescribed discharge,

dismiss, suspend, release or remove from one factory to another any person included in the definition of technical personnel unless he has given 15 days previous notice in writing of the contemplated discharge, dismissal, suspension release or removal to the Tribunal.

(5) Subject to any rules made in this behalf under section 19, a Tribunal may control the engagement of technical personnel by industrial undertakings (including notified factories) in such manner as it thinks fit.

14.(1) Whoever contravenes any of the provisions of section 13, or wilfully fails to comply with any summons, requirement, direction or order of a Tribunal, a Special Tribunal or the Government under this Act, shall, save as provided in sub section (2) of section 11, be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) No Court inferior to that of a Magistrate of the first class shall try any offence punishable under this Act.

15. In any proceeding against an industrial undertaking for any offence punishable under this Act or the rules made thereunder the owner of the undertaking and his agent or manager, if any, shall be jointly and severally liable to any penalty incurred under this Act or the rules.

16. Any summons, notice, direction or order to be given to any person for the purposes of this Act may be served by being sent by post addressed to that person at his last known address.

17. No suit, prosecution or other legal proceeding shall be instituted in any Court in respect of anything in good faith done or intended to be done under this Act.

18. The Government may, by notification in the official Gazette, direct that persons normally employed in capacities other than those specified in the Schedule shall be deemed to be technical personnel for the purposes of this Act.

19. (1) The Government may, by notification in the official Gazette, make rules for carrying out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may prescribe--

(a) the conditions governing the appointment of the persons referred to in sub section (4) of section 5.

(b) the medical authorities referred to in sub section (7) of section 5 and sub section (4) of section 10.

(c) conditions under and the manner in which the tests mentioned in clause (c) of sub section 2 of section 6 and clause (d) of section 7 shall be carried out.

(d) the conditions and limitations governing the exercise of its functions by a Tribunal under sections 6, 7 and 8, sub section (2) of section 10 (a) and sub section (3) of section 13.

(e) the manner of preferring appeals under section 9 and of making references under the proviso to sub section (1) of section 11.

(f) The matters required to be prescribed for the purposes of sub sections, (1), (4) and (5) of section 13.

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(3) Any rule made under this section may provide that a contravention of the rule shall be punishable with imprisonemtn for any term not exceeding six months, or with fine not exceeding one thousand ruppes or with both.

20. The provisions of this Act and the rules made thereunder shall apply in relation to mines as defined in clause.....of section.....of the Mysore Mines

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(see section 2(a))

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7. Inspectors of material
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12. Supervising Mistries
13. Supervisors
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14. Bronzers and Lacquerers.
15. Carpenters, Joiners.
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17. Chemical Assistants (Analysts)
18. Chemical Process Workers
19. Coach Finishers
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21. Coopers
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72. Slotters
73. Storemen
74. Surveyors
75. Tanners

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78. Tool Makers
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82. Turners
83. Upholsterers.
84. Vulcanists
85. Weighmen
86. Welders, acetylene and electric
87. Wheelers
88. Wireless Operators
89. Wiremen
90. Wood Machenists."

G.R.S. IX—5]

Previous references.

1923.
A+E

File No. 75-123.
Serial Nos. 12, 16

Later references.
A+E 75-20 (19,20)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 2

Part B for January 24.

SUBJECT

Re closing of the fodder depot at Bagepalli in consequence of theft committed there.

16

To The Director of Agriculture.

No. L 5403 of 10th January 24.

States that the officer in charge of the depot must make good the loss.

EC.